Date: 20081126

Docket: IMM-1175-08

Citation: 2008 FC 1234

Ottawa, Ontario, November 26, 2008

PRESENT: The Honourable Mr. Justice Russell

BETWEEN:

ALI HASSAN MADANI

Applicant

and

MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

REASONS FOR JUDGMENT

[1] This is an application pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act,* S.C. 2001, c. 27 (Act) for judicial review of a decision by a Canada Boarder Services Enforcement Officer (Officer) dated March 10, 2008 (Decision) refusing the Applicant's request for a deferral of the Applicant's removal from Canada.

BACKGROUND

[2] The Applicant entered Canada on February 17, 2000 by car at Windsor, Ontario. He made a refugee claim shortly thereafter on February 23, 2000 in Montreal.

[3] A report was signed on March 6, 2000, which stated that the Applicant had entered Canada with an intention to establish permanent residency status without first applying for or obtaining the proper visa as required by the *Immigration and Refugee Protection Regulations* SOR/2002-227 (Regulations).

[4] A departure order was signed on March 15, 2000 and the Applicant's refugee claim was refused on November 6, 2000.

[5] The Applicant married Athina Ngjelina, a Canadian citizen, on January 10, 2002. They opened a Greek and Mediterranean Restaurant in Belle River, Ontario. During this time, the Applicant's wife became pregnant with their son, Laohnorian, who was born on October 10, 2003.

[6] The Applicant applied for Permanent Residence in May 2002.

[7] In February 2004, the Applicant and his wife sold the Belle River restaurant and opened a restaurant in Kitchener. They also purchased a house in London, Ontario. The Applicant's wife stopped working when Laohnorian was born and the Applicant continued to work and commute to the restaurant in Kitchener. In August 2005, Laohnorian was diagnosed with atypical, progressive autism.

[8] The Applicant filed a humanitarian and compassionate (H&C) application with a sponsor, but on May 26, 2004 it was discovered that the Applicant had misrepresented himself on both his

H&C application and his past refugee claim. He said he had not resided in any country but Canada and Lebanon. The Applicant had, in fact, resided in the United States for 20 years, from 1979-1999, and was deported from the United States in 1999.

[9] The Applicant has been convicted of the following offences in the United States:

1) Convicted on or about August 28, 1996 in Texas of possession of a controlled substance (cocaine less than one gram) and sentenced to 2 years jail, $1,500 fine and 5 years probation. If committed in Canada, this offence would equate to Section 4(1) of the *Controlled Drugs and Substance Act* (CDSA), possession of a substance in Schedule One, which is an indictable offence punishable by a maximum of 7 years imprisonment;

2) Convicted on or about August 28, 1998 in Texas of assault causing bodily harm and sentenced to 45 days in jail and court costs. If committed in Canada, the offence would equate to Section 269(a) of the *Criminal Code of Canada* (CCC), assault causing bodily harm, an indictable offence punishable by a maximum of 10 years imprisonment;

3) Convicted on or about December 11, 1998 in Texas of possession of a controlled substance (cocaine less than a gram) and sentenced to two years in jail, a $2000 fine and 5 years probation. If committed in Canada, this offence would equate to Section 4(1) of the CDSA, possession of a substance in Schedule One, an indictable offence punishable by a maximum of 7 years imprisonment;

4) Convicted on or about December 11, 1998 in Texas of bail jumping and failure to appear, and sentenced to 6 years probation. If committed in Canada, this offence would equate to Section 145(2)(b) of the CCC, failure to attend court, an indictable offence punishable by a maximum of 2 years imprisonment;

5) Convicted on or about August 28, 1998 in Texas of failure to identify fugitive from justice and sentenced to 45 days jail and court costs. This offence does not have a Canadian equivalent.

[10] The Applicant's first H&C application was refused on April 4, 2006. He was then arrested and detained for an admissibility hearing by a Canadian Boarder Services Agency officer. The

arresting officer believed the Applicant would not appear for the admissibility hearing. The Applicant was released from detention on July 26, 2006.

[11] A Pre-removal Reassessment Application (PRRA) was initiated in person at the Greater Toronto Enforcement Unit (GTEU) on May 11, 2006. The Applicant chose to waive his right to the PRRA on that same day. A direction to report was served on the Applicant on October 26, 2006 and his removal was scheduled for November 14, 2006.

[12] The Applicant made an H&C application on October 26, 2006. On November 2, 2006 an enforcement officer refused the Applicant's request for his removal to be deferred pending the processing of his H&C application.

[13] A stay motion was granted on November 10, 2006 until the application for leave and judicial review of the refusal for deferral of removal was determined. The judicial review was dismissed by Justice Snider on November 9, 2007 for mootness and a question was certified. Litigation dealing with the certified question was filed on December 10, 2007.

[14] On January 10, 2008, the Applicant was scheduled to attend an interview at the GTEU. On January 7, 2008, the Applicant's counsel faxed a letter advising the GTEU that the judicial stay granted on November 10, 2006 was still in effect, as there had not been any final determinations of the judicial review application since the matter was now before the Federal Court of Appeal on the following certified question:

> Where an applicant has filed an application for leave and judicial review of a decision not to defer the implementation of a removal order outstanding against him or her, does the fact that the applicant's removal is subsequently halted by operation of a stay Order issued by this Court render the underlying judicial review application moot?

[15] Applicant's counsel was advised that the Officer had determined that the stay was no longer in effect since the Federal Court had dismissed the judicial review application and the appeal to the Federal Court of Appeal was a totally separate and distinct matter.

[16] The Applicant attended an immigration interview on January 10, 2008 and requested that any removal from Canada be delayed until his permanent residence based on H&C grounds of October 2006 was assessed or the Federal Court of Appeal had dealt with the certified question. On February 6, 2008, a new direction to report was served on the Applicant and a new removal date was scheduled for March 11, 2008. The Applicant again requested deferral which was refused. On March 11, 2008, Justice Dawson granted the Applicant a stay of the execution of the removal scheduled for that same day, until the Federal Court of Appeal had ruled on the appeal from the decision of Justice Snider dated November 9, 2007. On October 7, 2008 the Federal Court of Appeal dismissed the Applicant's appeal of Justice Snider's order with costs for failure to respond to a Notice of Status Review.

[17] The Applicant makes his request for a deferral from removal from Canada on the basis of humanitarian and compassionate grounds, the best interests of the child, and on the basis that the Federal Court stay remains in effect.

DECISION UNDER REVIEW

[18] The Officer examined the H&C considerations of the Applicant, which focused on the best interests of the Applicant's 5-year-old severely autistic son, Laohnorian. The Applicant argued that the benefit of the Applicant's presence in Canada, and his role as a father, spouse and second parent in the home, clearly outweighed any risks he posed to Canada or to the integrity of the immigration system.

[19] The Officer considered the impact that the Applicant's removal would have on his son and spouse and concluded as follows at pages 4-5 of his Notes to File:

> …Laohnorian and Athina Madani are Canadian Citizens, and as such have the right to remain in Canada and are entitled to the benefits of the social programs and medical care that are available for assistance to all Canadians. Alternatively, Mr. Madani's child and spouse may accompany Mr. Madani to Lebanon, should they choose, although they are not required to do so.
>
> According to the deferral request, Mr. Madani's spouse, Athina, provides essentially 24/7, constant and unremitting care to their autistic child. I am satisfied, that should Mr. Madani return to Lebanon, his son would continue to receive the emotional support from his mother to aid in adjusting to his family's new circumstances.
>
> Furthermore, it is submitted in the deferral request that Mr. Madani has played a greater role in his son and wife's care since November 2007. However, with the exception of counsel's statements that Mr. Madani's 'presence' has played a significant role in his child's development, counsel has provided insufficient evidence as to how Mr. Madani has played a greater role in his son's and wife's care. This is significant in light of the fact that Counsel submits that Mr. Madani's presence in Canada outweighs his criminal inadmissibilities and misrepresentation.

However, counsel has noted that Mr. Madani's financial support is significant for supporting his child and wife, who because of her 24/7 care cannot be employed in any meaningful capacity. Mr. Madani is subject to an enforceable removal order and as such, as per Regulation 209 IRPA, the following applies:

> "A work permit becomes invalid when it expires or when a removal order that is made against the permit holder becomes enforceable."

Therefore delaying his removal would not assist this family in any way because he is no longer authorized to work in Canada.

Finally, counsel submits in the deferral request that based on the appeal to the judicial review application, the judicial review has not been finally determined, and thus, the Federal Court Stay is still in effect. However, no court order conferring a Stay of removal currently exists.

Furthermore, this officer notes that Mr. Madani is responsible for gaining status in Canada.

Mr. Madani chose to misrepresent himself during his immigration process and in his applications to gain status, and as such, he raised serious credibility issues and bears the responsibility for their effect on his immigration process. Mr. Madani also did not choose to avail CIC of his misrepresentation of his own accord, but does choose to request of CIC that his inadmissibilities be overcome by section 25 of IRPA.

There were no submissions or evidence provided with the deferral request as evidence that new risks exist.

The Refugee Protection Division has already assessed Mr. Madani's circumstance and found him not to be Convention Refugee. An Appeal to the decision was filed and denied. Mr. Madani waived his right for a PRRA application.

In conclusion, based on the information presented by the subjects and after careful consideration of the issues brought forth, I have come to the following decision with regards to this deferral request; I am not satisfied that a deferral of the execution of the removal order is appropriate in the circumstances of this case.

ISSUES

[20] The Applicant raises the following issues for consideration on this application:

1) Did the Officer err in his assessment of how the Applicant's removal from Canada would affect his son's interests?

2) Did the Officer err in finding the decision in the Applicant's application for Permanent Residence on Humanitarian and Compassionate grounds not to be imminent?

3) Did the Officer err in finding that the Applicant's continued presence in Canada would not assist his family since he is no longer authorized to work?

4) Did the Officer err in concluding that the stay of removal granted by the Federal Court on 10 November 2006 until the previous judicial review application is finally determined was no longer in effect?

STATUTORY PROVISIONS

[21] The following provisions of the Act are applicable in these proceedings:

Enforceable removal order	**Mesure de renvoi**
48. (1) A removal order is enforceable if it has come into force and is not stayed.	**48.** (1) La mesure de renvoi est exécutoire depuis sa prise d'effet dès lors qu'elle ne fait pas l'objet d'un sursis.
Effect	**Conséquence**
(2) If a removal order is enforceable, the foreign national against whom it was made must leave Canada immediately and it must be enforced as soon as is reasonably practicable.	(2) L'étranger visé par la mesure de renvoi exécutoire doit immédiatement quitter le territoire du Canada, la mesure devant être appliquée dès que les circonstances le permettent.

STANDARD OF REVIEW

[22] In *Dunsmuir v. New Brunswick* 2008 SCC 9, the Supreme Court of Canada recognized that, although the reasonableness *simpliciter* and patent unreasonableness standards are theroretically different, "the analytical problems that arise in trying to apply the different standards undercut any conceptual usefulness created by the inherently greater flexibility of having multiple standards of review" (*Dunsmuir* at paragraph 44). Consequently, the Supreme Court of Canada held that the two reasonableness standards should be collapsed into a single form of "reasonableness" review.

[23] The Supreme Court of Canada in *Dunsmuir* also held that the standard of review analysis need not be conducted in every instance. Instead, where the standard of review applicable to the particular question before the court is well-settled by past jurisprudence, the reviewing court may adopt that standard of review. Only where this search proves fruitless must the reviewing court undertake a consideration of the four factors comprising the standard of review analysis.

[24] In light of the Supreme Court of Canada's decision in *Dunsmuir* and the previous jurisprudence of this Court, I find the standard of review applicable to issues 1, 2 and 3 raised by the Applicant to be reasonableness. When reviewing a decision on the standard of reasonableness, the analysis will be concerned with "the existence of justification, transparency and intelligibility within the decision-making process [and also with] whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law" (*Dunsmuir* at paragraph 47). Put another way, the Court should only intervene if the Decision was unreasonable in the sense

that it falls outside the "range of possible, acceptable outcomes which are defensible in respect of the facts and law."

[25] Issue 4 is a question of law and will be assessed on a standard of correctness: See *Dunsmuir* at paragraph 60, *Haghighi v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2006] F.C.J. No. 470 at paragraph 6.

ARGUMENTS

The Applicant

Best Interests of the Child

[26] The Applicant submits that the Officer erred in his assessment of how the Applicant's removal would affect his son. He stresses the importance of considering the interests and rights of a child, as well as Canada's international obligations in relation to the interests of the child. He relies upon the Federal Court of Appeal case of *Legault v. Canada (Minister of Citizenship and Immigration)*, [2002] FCA 125:

> 12…the officer must be "alert, alive and sensitive" (Baker, para. 75) to the interests of the children, but once she has well identified and defined this factor, it is up to her to determine what weight, in her view, it must be given in the circumstance.
>
> 13. The mere mention of the children is not sufficient. The interests of the children is a factor that must be examined with care and weighted with other factors. To mention is not to examine and weight.

[27] The Applicant also submits that the Officer focused entirely on the fact that the Applicant's wife has played a greater direct role in their son's treatment. The Applicant says that the Officer's conclusion that his wife and son could rely on Canada's social benefits to provide financial support in the Applicant's absence is a "generic assessment" of the son's interests and not one that is "alert and alive" to the unique needs of the Applicant's son. The Applicant submits that the Officer ignored the fact that he provides financial support for his family, so that his wife can provide more direct attention to their son.

[28] The Applicant also says that the Officer's failure to consider the Applicant's "short-term" financial support and its impact upon the best interests of his son was also a reviewable error.

Imminence of H&C Application

[29] The Applicant submits that the Officer erred in deciding that his application for Permanent Residence on H&C grounds was not imminent. The Applicant submitted his H&C application in October 2006 and it was transferred to CIC London in August 2007. The Applicant submits that his application has been with CIC London for almost seven months and could be finalized any day, if the Officer's indication that these decisions usually take 6-9 months is correct. Therefore, the Applicant argues the H&C decision was imminent.

[30] The Applicant points out that an officer is not obligated to consider the imminence of an H&C application, but if they do, it must be done in a reasonable manner.

Applicant's Ability to Work in Canada/Stay of Removal

[31] The Applicant submits that the Officer erred in finding that he was not authorized to work. The Applicant says he had been issued work permits pursuant to Regulation 206(b) for the past year because his removal order was considered unenforceable.

[32] The Applicant refers to Justice Barnes' Order which provides that the stay of the removal is to remain in place "until the applicant's application for judicial review has been finally determined." The Applicant stresses that there is no finality to a decision when the matter is still before a Federal Court of Appeal. He says the Order of Justice Barnes in 2006 remains in effect and the Applicant is not removable.

[33] The Applicant submits that the stay granted by Justice Barnes remains in effect because the judicial review application remains to be finally determined by the Federal Court of Appeal. Hence, the Enforcement Officer erred in concluding that "no court order conferring a stay of removal currently exists."

The Respondent

Best Interests of the Child

[34] The Respondent submits that the case law relied upon by the Applicant for his best interest of the child submissions involves H&C decisions. The cases are not on point. The Respondent relies

upon the cases of *Simoes v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 936 (F.C.T.D.); *Varga v. Canada (Minister of Citizenship and Immigration)* 2006 FCA 394 and *John v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 583 (F.C.T.D.) as authority that a removal officer can take into account the best interests of a child affected, but the discretion to do so is limited.

[35] The Respondent goes on to argue that the Applicant has ignored the Act, particularly s. 48, which gives an officer a very limited discretion to defer removal. Removal orders must be enforced as soon as reasonably practicable. Removal is the rule, while deferral is the exception: *Padda v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 1353 (F.C.T.D.), at paragraphs 7-9.

[36] The Respondent also emphasizes that the discretion under s. 48 is extremely narrow and is restricted to determining when a removal order will be executed. In deciding when it is "reasonably practicable" to execute a removal order, an officer may consider compelling or special personal circumstances: *Simoes* at paragraph 12 and *Wang v. Canada (Minister of Citizenship and Immigration)*, [2001] F.C.J. No. 295, paragraph 45. However, an officer is not required to conduct a mini H&C assessment on matters such as the best interests of the child: *Arya v. Canada (Minister of Citizenship and Immigration and M.P.S.E.P.)* (4 March 2006), IMM-1279-06 (F.C.T.D.) and *Da Costa Ferreira v. Canada (Minister of Public Safety and Emergency Preparedness)* (28 March 2006), IMM-1538-06 (F.C.T.D).

[37] The Respondent relies heavily on *Griffiths v. Canada (Solicitor General)*, 2006 FC 127 at paragraphs 19-28 for a summary of the key cases under the former and current immigration acts which deal with the deferral of removal decisions. The following paragraphs from *Griffiths* are important:

> 26. Although the precise range of circumstances justifying a deferral has not yet been defined, the authorities are fairly clear on what is not included within the range. The deferral discretion is not a substitute for either an H&C review or risk assessment. In *Simoes*, above, it was observed that a deferral decision was not a "pre-H&C application". In John, above, the incorporation of H&C concerns at this stage was said to constitute "unnecessary duplication". In *Wang*, above, and in *Munar v. Canada (Minister of Citizenship and Immigration)* 2005 FC 1180 (CanLII), [2005] FC 1180 the mere existence of appending H & C application was held not to be a bar to removal.
>
> …
>
> 28. Munar, above, was a case involving an application for a stay of a removal order and it did recognize the need to consider the interests of two young Canadian children in that context. However, the decision goes no further than to suggest that the removal officer should examine the "short term best interests of the child". The decision goes on to say that this type of consideration did not engage the more fulsome assessment required by an H&C application. I also held that general hardship considerations that apply in any deportation involving a family unit are not a basis for a deferral."

[38] The Respondent also cites and relies upon *Boniowski v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 1161 at paragraphs 19 and 20:

> 19. … The decision in John...where, relying on *Simoes*, supra, the Court dismissed the application for judicial review on the ground that a removals officer is under no requirement to undertake a substantive review of the best interests of an applicant's children, and must do so to a minimal extent required in exercising his or her discretion on the time of removal pursuant to section 48.

> 20. …the purposes of the legislation is not to provide for a substantive review by removals officers of the humanitarian circumstances that are to be considered as part of an Applicant's H&C application.

[39] The Respondent concludes that the Officer in the present case exceeded the requirements she had to consider, and adequately considered the short-term best interests of the Applicant's son.

[40] The Respondent also says that the Applicant's criticism of the Officer's Decision places an undue and onerous burden on officers considering whether or not to defer removal. Accepting the Applicant's position would elevate a s. 48 decision to an H&C decision.

[41] It is also noted by the Respondent that the Applicant submitted his request one day prior to his scheduled removal date despite the report being given to the Applicant over a month earlier.

Imminence of H&C Application

[42] The Respondent submits that a pending H&C application does not in and of itself constitute a reason to defer removal, as it is not the function of a removal officer to conduct an H&C assessment: *Jordan v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 1076 (F.C.T.D.) at paragraph 15; *Bandzar v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 772 (F.C.T.D.) at paragraph 7 and *Yamoah v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 570 (F.C.T.D.) at paragraph 6. The Respondent concludes by

stating that the Officer's time frame was an estimate and, regardless, there was no evidence that the H&C decision was imminent. Therefore, the Officer did not err.

Applicant's Ability to Work in Canada/Stay of Removal

[43] The Respondent contends that the removal order against the Applicant became enforceable on November 9, 2007 when the judicial review was dismissed. Therefore, any work permits were no longer valid. The Officer did not err in finding that the Applicant could not provide any financial support to his family since he was no longer authorized to work in Canada.

Federal Court of Appeal Decision

[44] Since the hearing of this matter in Toronto on October 7, 2008, the Federal Court of Appeal has rendered its decision dismissing the Applicant's appeal of Justice Snider's order of November 9, 2007, with costs for the Applicant's failure to respond to the Notice of Status Review. The Court requested further written submissions from counsel concerning the impact of the Federal Court of Appeal decision of October 7, 2008 on the present application.

[45] The Applicant takes the position that the application is now moot but that the Court should, nevertheless, exercise its discretion to decide the application, at least as regards the impact of Justice Barnes' stay order in the period following Justice Snider's order of November 9, 2007 and the Federal Court of Appeal decision of October 7, 2008.

[46] The Respondent takes the position that the primary issue of whether the stay granted by Justice Barnes remained in effect until the disposition of the appeal of Justice Snider's decision is no longer a live issue.

ANALYSIS

Mootness

[47] The doctrine of mootness as articulated by the Supreme Court of Canada in *Borowski v. Canada (Attorney General)*, [1989] 1 S.C.R. 342 at page 353 is that "[t]he general principle applies when the decision of the Court will not have the effect of resolving some controversy which affects or may affect the rights of the parties. If the decision of the Court will have no practical effect on such rights, the Court will decline to hear the case."

[48] As the Supreme Court of Canada pointed out, this involves a two-step analysis:

> First it is necessary to determine whether the required tangible and concrete dispute has disappeared and the issues have become academic. Second, if the response to the first question is affirmative, it is necessary to decide if the Court should exercise its discretion to hear the case.

[49] In a number of recent cases this Court has decided that, when faced with an application to review a refusal to defer removal there can be no practical effect on the rights of the parties in deciding the application on its merits. This is because, where a stay has been granted, the same result will ensue irrespective of whether the Court grants or refuses the application. The validity of the underlying removal order is not affected so that applicants remain subject to removal. The stay

itself renders the order to report nugatory so that whether or not the removal officer should have deferred becomes a purely abstract question the answer to which will have no practical effect upon the rights of the parties. New removal arrangements have to be made in either case, and the applicant is free to again request deferral. See: *Lewis v. Canada (Minister of Public Safety and Emergency Preparedness)* 2008 FC 719; *Wong v. Canada (Minister of Public Safety and Emergency Preparedness)* 2008 FC 783.

[50] Some of these cases have been placed before the Federal Court of Appeal by way of a certified question. Justice Snider in her decision of November 9, 2007 certified a question in the present case regarding her judicial review of a previous order to report for removal. Having concluded that the application was moot, she certified the question as follows:

> Where an applicant has filed an application for leave and judicial review of a decision not to defer the implementation of a removal order outstanding against him or her, does the fact that the applicant's removal is subsequently halted by operation of a stay order issued by this Court render the underlying judicial review application moot?

[51] In the present case two stay orders were issued. The first was granted by Justice Barnes on November 10, 2006 in relation to the refusal of deferral that was reviewed by Justice Snider and which she declined to hear for mootness on November 9, 2007. The second stay application relates to the refusal of deferral of March 10, 2008 that is the subject of the present application. That stay was granted by Justice Dawson on March 11, 2008 and her order specifically identified as a serious issue whether the stay granted by Justice Barnes on November 10, 2006 remains in effect and whether the first application for judicial review heard by Justice Snider will not be "finally

determined" until the Federal Court of Appeal rules on the appeal from the decision of Justice Snider dated November 9, 2007. The Federal Court of Appeal has now ruled on that decision and, in an order dated October 7, 2008 has dismissed the appeal with costs because the Applicant failed to respond to a Notice of Status Review.

[52] It seems to me that Justice Dawson has already addressed the issue of whether a stay of removal continues to be in effect while an applicant is pursuing an appeal in *Baron*, and it does not need further clarification from me:

> 50. As for the applicants' reliance upon *Moumaev*, I, again respectfully, do not accept that the Court is obliged to consider the application on the merits, failing which the interim order will remain in effect. If the application is dismissed because it is moot, that finding will be embodied in a final judgment which will terminate the interim order that stayed removal.
>
> 51. The position of the CBSA, also relied upon by the applicants, that a dismissal for mootness terminates any stay, even where an appeal is taken, simply reflects the fact that an appeal to the Federal Court of Appeal does not, of itself, affect the validity of this Court's order. See: Rule 398 of the *Federal Courts Rules,* SOR/98-106.

[53] In conclusion, and as a result of the Federal Court of Appeal's decision of October 7, 2008, this application should be dismissed for mootness and the Court should decline to exercise its discretion to hear it.

[54] Counsel are requested to serve and file any submissions with respect to certification of a question of general importance within seven days of receipt of these Reasons for Judgment. Each

party will have a further period of three days to serve and file any reply to the submission of the opposite party. Following that, a Judgment will be issued.

"James Russell"
Judge

FEDERAL COURT

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO.:	IMM-1175-08
STYLE OF CAUSE:	**ALI HASSAN MADANI** **v.** **MINISTER OF PUBLIC SAFETY** **AND EMERGENCY PREPAREDNESS**
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	October 7, 2008
REASONS FOR JUDGMENT:	RUSSELL J.
DATED:	November 26, 2008

WRITTEN REPRESENTATIONS BY:

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